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Message Text

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ACTION AF-05

INFO OCT-01 SS-14 ISO-00 EUR-10 IO-03 SY-02 L-02 NSC-07

NSCE-00 SP-01 PM-03 CIAE-00 INR-10 NSAE-00 RSC-01

DODE-00 SCCT-01 AID-10 PRS-01 DRC-01 /072 W
---------- 090677
R 091332Z MAY 74
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 9799
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
USMISSION USUN NY

C O N F I D E N T I A L PRETORIA 1971

LIMDIS

E.O. 11652: GDS
TAGS: PINS, WA, SF
SUBJ: SWAPO ARRESTS

REF: (A) STATE 70448; (B) PRETORIA 1367; (C) PRETORIA 1642

1. DURING MAY 6 LUNCHEON CONVERSATION WITH AMBASSADOR, NEWLY APPOINTED MINISTER OF JUSTICE J.T. (JIMMY) KRUGER TOLD HIM THAT HE WAS AWARE OF RECENT SERIES OF USG DEMARCHES CONCERNING DEVELOPMENTS IN SOUTH WEST AFRICA AND PARTICULARLY OUR CONCER OVER THE POSSIBLE APPLICATION OF TERRORISM ACT TO RECENT SWAPO AND SWAPO YOUTH LEAGUE DETAINEES. KRUGER SAID HE UNDERSTOOD OUR CONCERN ON THIS SUBJECT AND THAT HE FULLY AWARE OF THE INEVITABLE INTERNATIONAL OUTCRY WHICH WOULD RESULT FROM CHARGING SWAPO LEADERS UNDER TERRORISM ACT. AT SAME TIME, KRUGER SAID, SAG WAS IN POSSESSION OF "HARD EVIDENCE" LINKING DAVID MERORO, NATIONAL CHAIRMAN OF SWAPO, AND OTHER DETAINEES TO "A VERY DEFINITE PLAN TO INCITE VIOLENCE IN SWA AND OVAMBOLAND." HE SAID SAG ALSO HAD EVIDENCE THAT SOME TERRORISTS HAD INFILTRATED INTO
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SWA VIA ANGOLA AND ZAMBIA AND THAT SOME OF THESE HAD RECEIVED

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TRAINING BEHIND IRON CURTAIN. EVIDENCE WAS SUCH, KRUGER STRESSED, THAT SAG COULD AND SHOULD "THROW THE BOOK AT THEM."

2. REVERTING TO OUR KNOWN CONCERNS RE APPLICATION OF TERRORISM ACT IN THESE CASES, KRUGER ADMITTED THAT HE HAD BEEN AGONIZING OVER HOW TO CHARGE MERORO AND OTHERS. FROM SAG'S POINT OF VIEW, QUICKEST AND EASIEST WAY WOULD BE TO UTILIZE TERRORISM ACT AND "BE DONE WITH IT." HE ACKNOWLEDGED THAT FOLLOWING THIS PROCEDURE WOULD CAUSE SAG TO "GET BLISTERED," BUT HE WISHED INFORM AMB THAT IF THIS OCCURRED, HE INTENDED TO SEE TO IT THAT EVIDENCE WAS MADE AVAILABLE TO US WHICH WOULD PROVE BEYOND SHADOW OF DUBT THAT THEY WERE IN FACT GUILTY. THE ALTERNATIVE OF FOLLOWING REGULAR CRIMINAL PROCEDURES, KRUGER SAID, WOULD ENTAIL LENGTHY AND COMPLICATED COURT PROCEDURES (PROBABLY LASTING A YEAR), INTERNATIONAL OBSERVERS AT TRIAL AND AMPLE SCOPE FOR "RED HERRINGS" TO BE DRAGGED ACROSS TRAIL. HE ALSO HAD TOWEIGH INEVITABILITY OF INTERNATIONAL PRESS FURORE DURING COURSE OF TRIAL AND PROBABILITY THAT MOST OF OUTSIDE WORLD WOULD TAKE POSITION THAT SAG HAD NO RIGHT TO TRY DEFENDANTS IN ANY CASE.

3. AMB. REITERATED USG'S STRONG VIEWS ON IMPROPRIETY OF APPLICATION OF TERRORISM ACT TO INDIVIDUALS IN SWA AND REMINDED KRUGER THAT BOTH EXECUTIVE AND LEGISLATIVE BRANCHES OF USG WOULD BE FOLLOWING THESE CASES MOST CLOSELY. KRUGER SAID HE EXPECTED TO REACH DECISION ON HOW TO PROCEED WITHIN WEEK OR SO AND TOLD AMB. AGAIN THAT WHICHEVER COURSE WAS FOLLOWED, HE INTENDED INFORM US OF HARD EVIDENCE THAT SAG HAD IN HAND.

4. AMB. THEN RAISED RECENT FLOGGINGS IN OVAMBOLAND ABOUT WHICH WE HAD ALSO EXPRESSED CONCERN TO FONSECY FOURIE. PREDICTABLY, KRUGER RESPONDED WITH NOW STANDARD SAG LINE THAT THIS IS STRICTLY A MATTER FOR TRIBAL AUTHORITIES, THAT FLOGGINGS ARE "TRADITIONAL" AND THAT SAG THEREFORE MOST RELUCTANT TO INTERFERE. AMB. RETORTED THAT THIS WOULD SIMPLY NOT WASH WITH USG AND OUTSIDE WORLD. HE URGED KRUGER AND SAG TO HALT THESE FLOGGINGS, WHICH WE AND MOST OTHER NATIONS REGARDED AS MORALLY REPUGNANT AND UNLAWFUL.

5. KRUGER ADMITTED TO AMB. THAT SWA REMAINED ONE OF SOUTH AFRICA'S TOUGHEST AND THORNIEST PROBLEMS, AND THAT SAG WOULD HAVE TO MOVE VERY CAREFULLY IN HANDLING PROBLEM. AT SAME TIME, KRUGER SAID CONFIDENTIAL

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HE WAS ABSOLUTELY CONVINCED THAT THERE WAS "NO POSSIBILITY" OF UNIFIED SWA, SINCE ANCIENT TRIBAL RIVALRIES AND HATREDS WOULD SIMPLY NOT PERMIT THIS TO HAPPEN.

6. COMMENT: KRUGER IS OBVIOUSLY MOST UNCOMFORTABLE IN HANDLING THIS HOT POTATO, ASPECTS OF WHICH NOW DUMPED IN HIS LAP BY VIRTUE OF HIS NEW CAPACITY AS MINJUSTICE. IMPLYING SOME CRITICISM OF HIS PREDECESSOR (PELSER) FOR HASTY ACTION, KRUGER

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MADE CLEAR HE GOULD WEIGH MORE CAREFULLY AND JUDICIOUSLY THAN WAS CASE IN PAST THE EVIDENCE BROUGHT BEFORE HIM IN SIMILAR CASES. IT EQUALLY CLEAR, HOWEVER, THAT ONCE KRUGER IS CONVINCED OF UNLAWFUL ACTIVITIES, HE WILL MOVE JUST AS FORCEFULLY AS PELSER. HE IS UNDER NO ILLUSIONS ABOUT USG OPPOSITION TO CURRENT DEVELOPMENTS IN SWA AND HAD OBVIOUSLY TALKED IN DETAIL WITH FONMIN MULLER PRIOR TO ABOVE CONVERSATION WITH AMB. HIS COMMENTS ALSO TEND TO ADD ADDITIONAL CREDENCE TO FOURIE'S COMMENT TO US LAST MONTH THAT DFA WAS USING ITS INFLUENCE IN ATTEMPT TO AVOID CHARGING SWAPO DEFENDANTS UNDER TERRORISM ACT.
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